

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LANCE E. SPEAKE,
 Plaintiff,

vs.

HIGH DESERT STATE PRISON, *et al.*,
 Defendants.

2:11-cv-01653-GMN-PAL

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. A decision on plaintiff's application to proceed *in forma pauperis* remains temporarily deferred. On April 20, 2012, the court issued a screening order that directed that some claims may proceed and dismissed one claim without prejudice and with leave to amend. (ECF No. 13.) Plaintiff was ordered to file his amended complaint, if any, within thirty (30) days from the date of entry of that order. (*Id.*) More than the allotted time has passed and plaintiff has not filed an amended complaint nor responded to this court's order in any manner. Accordingly, this action shall now proceed as set forth in the screening order dated April 20, 2012.

IT IS THEREFORE ORDERED that this action **SHALL PROCEED** in conformance with the screening order dated April 20, 2012 (ECF No. 13).

IT IS FURTHER ORDERED as follows:

1. A decision on the application to proceed *in forma pauperis* is **DEFERRED** at this time.
2. Given the nature of the claims that the court has permitted to proceed, this action is

1 **STAYED** for ninety (90) days to allow plaintiff and defendant(s) an opportunity to settle
2 their dispute before the \$350.00 filing fee is paid, an answer is filed, or the discovery
3 process begins. During this ninety-day stay period, no other pleadings or papers shall be
4 filed in this case, and the parties shall not engage in any discovery. The court will decide
5 whether this case will be referred to the court's Inmate Early Mediation Program, and the
6 court will enter a subsequent order. Regardless, on or before ninety (90) days from the
7 date this order is entered, the Office of the Attorney General shall file the report form
8 attached to this order regarding the results of the 90-day stay, even if a stipulation for
9 dismissal is entered prior the end of the 90-day stay. If the parties proceed with this
10 action, the court will then issue an order setting a date for the defendants to file an
11 answer or other response. Following the filing of an answer, the court will issue a
12 scheduling order setting discovery and dispositive motion deadlines.

- 13 3. "Settlement" may or may not include payment of money damages. It also may or may
14 not include an agreement to resolve plaintiff's issues differently. A compromise
15 agreement is one in which neither party is completely satisfied with the result, but both
16 have given something up and both have obtained something in return.
- 17 4. If the case does not settle, plaintiff will be required to pay the full \$350.00 filing fee.
18 This fee cannot be waived. If the plaintiff is allowed to proceed *in forma pauperis*, the
19 fee will be paid in installments from his prison trust account. 28 U.S.C. § 1915(b). If
20 plaintiff is not allowed to proceed *in forma pauperis*, the \$350.00 will be due
21 immediately.
- 22 5. The clerk shall electronically **SERVE** a copy of this order and a copy of plaintiff's
23 complaint on the Office of the Attorney General of the State of Nevada, attention Pamela
24 Sharp.
- 25 6. The Attorney General's Office shall advise the court within twenty-one (21) days of the
26 date of the entry of this order whether it will enter a limited notice of appearance on

IT IS SO ORDERED.

Tyler A. Green
UNITED STATES MAGISTRATE JUDGE